

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**UNITED STATES OF AMERICA :**

**v. :**

**Case No. 2:20-CR-00017**

**SAMUEL SILVA :**

**UNITED STATES' RESPONSE TO DEFENDANT'S PROPOSED  
DISCOVERY ORDER**

The defendant has filed a Proposed Discovery Order regarding the disclosure and review of discovery materials. ECF No. 205. The government agrees that the Proposed Discovery Order would be appropriate in this case, with one minor change.

Page two of the Proposed Discovery Order states, "The appropriate person at the ADX may, for security purposes, remain in the secure location with Mr. Silva while he reviews [paper discovery], but may not read, copy, or retain it." ECF No. 205 at 2.

The government believes that an absolute prohibition on "retain[ing]" discovery material is unworkable. When the defendant has finished reviewing discovery material, someone other than the defendant must retain the material, at least for a period of time, until the material is returned to defense counsel. Accordingly, the government believes that the sentence at issue should read: "The appropriate person at the ADX may, for security purposes, remain in the secure location with Mr. Silva while he reviews it, but may not read or copy it." When Mr.

Silva is done with the material, it would be retained long enough to permit it to be returned to defense counsel, under the terms of the order.

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